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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,138	07/12/2001	Carol L. Harrisville-Wolff	P5965	4641
32658	7590	01/27/2005		
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			EXAMINER MEKY, MOUSTAFA M	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,138

Applicant(s)

HARRISVILLE-WOLFF ET AL.

Examiner

Moustafa M Meky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/23/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 1-19 are presenting for examination.
2. Claims 1-13 are allowed over the prior art of record.
 - 2.1. None of the prior art of record taken singularly or in combination teaches or suggests the following:
 - receiving a registration request at a service manager from a service provider being configured to provide a service in a network, storing in memory an available service proxy corresponding to the service implemented at the service provider, receiving a service request from client system including service selection information, comparing the service selection information to defined methods of the available service proxy, and if a match is determined in the comparing, transferring the available service proxy to the client system for execution to initiate the implemented service (claim 1);
 - a service manager for obtaining client system information over communications network in which the service manager including a service deployment tool for registering service providers by storing available service proxies in memory and for deploying selected ones of the available service proxies and further including a service selection tool for filtering the available service proxies based on a service request received over the network to identify the selected ones for deployment (claim 7).
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 14-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Chiles (US Pat. No. 6,167,567).

5. As to claim 14, Chiles shows in Fig 1, a patch and upgrade distribution method, the method of Chiles comprising the steps of:

- storing in memory (file store) 90 on the server 70 a patch and upgrade delivery proxy comprising executable code (run files) and interface defining requestable methods (copy methods using the copy files) [the proxy of Chiles is a patch proxy since it includes group of files transferred together and it is also upgrade proxy since it includes update file(s)], wherein the proxy corresponds to an implemented patch and upgrade service (update service), see col 4, lines 58-63, col 8, lines 67, col 9, lines 1-3, lines 27-32, col 10, lines 20-24;
- inherently registering a client server 10 as a recipient for the implemented patch and upgrade service, see the abstract, lines 7-11, col 3, lines 35-37, lines 40-46;
- transferring the proxy to the client server 10 for execution to initiate performance of the service (update service) at the client server 10, see the abstract, lines 16-19, col 3, lines 44-46, lines 54-55, col 4, lines 58-63, col 9, lines 65-67, col 10, lines 1-4;
- storing client system data obtained from the client server 10 including configuration information for a client network (product) [the configuration

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information includes types of operating systems which the product supports] served by the client server 10, see col 3, lines 50-53, col 9, lines 27-29.

6. As to claim 15, Chiles shows communicatively linking the client server 10 and a service provider 70 executing the implemented patch and upgrade service and transferring executable code and data between the client server 10 and the service provider 70 during the performance of the service at the client server 10, see col 3, lines 44-46, 54-55, col 4, lines 58-63, col 9, lines 65-67, col 10, lines 1-4.

Therefore, it can be seen from paragraphs 5-6 that Chiles anticipates claims 14-15.

7. Claims 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7.1. The prior art of record does not teach utilizing the client system data to select a patch or upgrade and installing the selected patch or upgrade on the client network.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM
1/19/2005


MOUSTAF A M. MEIKY
PRIMARY EXAMINER